

STAFFORD COUNTY PLANNING COMMISSION MINUTES

February 27, 2013

The meeting of the Stafford County Planning Commission of Wednesday, February 27, 2013, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hiron, Boswell, English, Gibbons, Apicella and Schwartz

MEMBERS ABSENT: None

STAFF PRESENT: McClendon, Zuraf, Blackburn, Baker and Knighting

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any Declarations of Disqualification. Mr. Gibbons stated he visited the Elm Street property.

PUBLIC PRESENTATIONS

Mr. Rhodes asked if there was anyone that would like to come forward to speak.

Paul Waldowski stated last night he was at the School Board meeting and he learned a new term called “tub-thumpers”. He stated he would let you decide what that was. He also saw a really neat thing, solidarity of elementary school teachers. Though he had been preparing for budgets coming up, sequestration was on a lot of people’s minds. He thought he would give his slant of sequestration at local government. Mr. Waldowski stated many people did not realize there were 7 Supervisors, 7 School Board members, who were both elected, 7 Planning Commissioners who were selected. If they only had 5 Supervisors, 5 Planning Commissioners, 5 School Board members, the County would be able to save \$100,000 not counting the computer equipment and any other aspects that were given to them on some other aspect. He stated that money could be moved into school bus maintenance or some other entity, but this Board knew that storm pond management had become a responsibility of HOAs that should become a responsibility of the County. He just got his tax assessment and it went up again. Mr. Waldowski stated he told the Commission once before that he sold a piece of property and he sold it to the next generation, and that was not the way to solve problems. He stated he was the owner of a piece of property that he does not get a County water and sewer bill. Maybe he would get pump and haul there someday. Thirty years ago they made a mistake and they still have not fixed it, and his kids keep asking him “what are you doing?” He stated he was doing it for the children, just like in the school systems they were doing it for the children, not for him. Mr. Waldowski stated he had been asking for a dumpster ordinance for horizontal and vertical property, and that has gone to committee. He stated if he needed things to go to committee, he could take it up to the Senate where he could get a lawyer and a Senator and they would never stop talking. He planned on talking about the so-called Woods at Augustine because that was what they should stay as... woods. He had seen it changed to Courthouse Woods, Shelton Woods. He read some of the emails that someone wants a blessing for the road crossings. He stated he challenged the Commission because he thought six of them, at least, had no idea that 630 was an emergency road, Shelton Shop Highway was 648, there were 3 high schools in that arena; drive there at 7 a.m. and the line of sight will knock you out. He stated he knew they closed the public hearing 2 weeks ago which he thought the public hearing should still stay open. He stated as long as the Commission kept pushing things to the side, the public had the right to speak.

Mr. Rhodes asked if there was anyone else that would like to come forward to speak. Hearing none, he closed the public presentations and moved on to public hearings.

PUBLIC HEARINGS

1. RC1200423; Reclassification – Jackson Family Rezoning - A proposed reclassification from B-2, Urban Commercial to R-1, Suburban Residential Zoning District to allow continuation of a residential use on Assessor's Parcel 12-5, consisting of 2.66 acres and located on the north side of Telegraph Road, approximately 800 feet west of Jefferson Davis Highway in the Griffis-Widewater Election District. **(Time Limit: May 28, 2013)**

John Harbin gave the staff presentation and stated the request was to reclassify the property from B-2, Urban Commercial, to R-1, Suburban Residential. He stated the parcel was surrounded by B-2, R-1, R-2 and M-1 use parcels. He stated the parcel was rezoned in its entirety in 2011 from R-1 to B-2 to accommodate the development of Quantico Corporate Center. A boundary line adjustment was completed in 2012 which removed about a half an acre of land from the parcel to allow for the intersection of Telegraph Road and Corporate Drive, which is the road that runs through Quantico Corporate Center. He stated the remaining parcel was not being added to Quantico Corporate Center at this time. Mr. Harbin stated they believed the property owners were unaware that the entire property was being rezoned in 2011 and were under the impression that only a portion of it was to be rezoned; therefore, they believed the rezoning was in error. He stated there were no immediate changes to the property proposed. He stated the Transportation Impact Analysis found that no additional traffic would be generated; therefore, no TIA would be required and there would likely be a reduction in the traffic impact due to the residential zoning. Mr. Harbin stated existing proffers were associated with the rezoning of Quantico Corporate Center. All existing proffers on this parcel would be removed from the parcel and no new proffers were proposed. He stated the existing proffers on other Quantico Corporate Center parcels would not be affected by this reclassification. He stated that the Comprehensive Plan recommended this parcel and the areas around it for business and industry as it is within the Boswell Corner Redevelopment Area. Mr. Harbin stated the recommendation of staff was to approve this. It would allow the property owners to maintain residence on the property, provide property tax relief, it was consistent with the current use of the property, and there would be minimal impacts to adjacent properties.

Mr. Rhodes asked if the Planning Commissioners had any questions.

Mr. Gibbons asked if there were any existing cash proffers. Mr. Harbin stated he did not believe so. He stated the proffers associated with this parcel were in terms of future use of the parcel.

Mr. Apicella asked if they had any sense of how or why it was included initially in error as part of the broader Boswell Corner rezoning. Mr. Harbin stated he was still a little unclear himself, but in speaking with the property owners they were not aware that their property was to be completely rezoned. Mr. Rhodes stated he assumed they had to sign something but did not realize it covered their entire property.

Dr. Schwartz stated there was a small appendage to the south and asked if that was going to be remaining with the Quantico Corporate Center. Mr. Harbin showed where the current parcel lines were located.

Mr. Hirons asked if, during the rezoning, the owners of Quantico Corporate Center were going to do something to protect that cemetery. Mr. Harbin stated he believed the cemetery was already fenced off and there was a 30 foot buffer around it.

Mr. English asked about the property between, where the house was sitting, if that was going to be included also. Mr. Harbin stated that was a separate parcel; it was currently zoned R-1 and would not be affected by this zoning.

Mr. Rhodes opened the public hearing. With no speakers coming forward, the public hearing was closed.

Mr. Boswell made a motion to recommend approval of the reclassification of the Jackson Family Rezoning, and the motion was seconded by Mr. Gibbons. The motion passed 7-0.

2. Amendment to the Zoning Ordinance - Proposed Ordinances O13-01 and O13-16 would amend Stafford County, Code Section 28-25, "Definition of specific terms;" Section 28-35, "Table 3.1, District Uses and Standards;" and Section 28-39, "Special Regulations." Proposed Ordinance O13-01 would add Dormitory and Multi-family dwelling as by-right uses in the RBC, Recreational Business Campus Zoning District. Proposed O13-16 would add Dormitory and Multi-family dwelling as uses allowed with a conditional use permit in the RBC Zoning District. Both proposed Ordinance O13-01 and O13-16 would create a definition for Dormitory; delete School as a by-right use in the RBC Zoning District; establish intensity, height, and performance standards for multi-family dwellings; and limit the gross area of all multi-family communities to five (5) percent or less of the gross area of the district. **(Time Limit: March 12, 2013)**

Mike Zuraf gave the staff presentation and stated that the Planning Commission was to consider two ordinances for amendments to the RBC Zoning District. He stated both of these ordinances amend several sections of the Zoning Ordinance. Ordinance O13-01 focused on adding dormitory and multi-family dwellings as by-right uses in the RBC Zoning District. Ordinance O13-16 would add both of those uses, dormitory and multi-family dwellings, as a use that would require a conditional use permit in the zoning district. Mr. Zuraf stated both of the ordinances had similar amendments and both would create a definition and add the use of dormitory into the Zoning Ordinance. He stated they would delete school as a by-right use; that was more of a cleanup matter. There was an amendment several years back that changed school to a conditional use permit use and by error was not deleted from the by-right list. Mr. Zuraf stated both ordinances would establish development standards that would be specific to multi-family uses.

Mr. Apicella asked what the current standard for the multi-family housing would be. Mr. Zuraf stated seven dwelling units per acre.

Mr. Zuraf stated there would be a minimum open space of 25% required on a multi-family site, a maximum building height of 50 feet, and would limit the area of multi-family uses to no more than 5% of the RBC Zoning District. He stated that this request was concurrent with the separate rezoning request that had been submitted that was made by the Silver Companies. He stated this ordinance and the rezoning was previously reviewed by the Planning Commission back in late fall and winter of 2012. Mr. Zuraf stated their specific request was to limited to adding multi-family as a by-right use. After the Board referred the ordinance in November of last year, during the Planning Commission review the Planning Commission wished to increase the scope of the ordinance amendments to add a dormitory use in the definition and break out the potential of dormitory and multi-family dwellings as either a by-right or conditional use permit use to be able to fully consider all the options and not leave something out in the process. Mr. Zuraf stated this proposal, as written, through this amendment there would be no additional homes permitted beyond what was currently being proposed and considered under that separate rezoning request. This was due to the design provisions that were submitted; specifically, the 5% area cap would limit the number of residential multi-family units to what was

being proposed. He stated staff did note that additional multi-family units could occur through potentially future amendments to the ordinance or future rezonings of additional land into RBC zoning area or additional separate RBC districts. Mr. Zuraf stated adding a conditional use permit requirement for the multi-family use may be appropriate for future evaluation. He stated should the location of the multi-family units change in the future, that might allow review of what the impacts might be of multi-family uses on different adjacent properties in different locations within the district. Mr. Zuraf stated under the age-restricted category, there were age-restricted multi-family dwelling units that were permitted, so the similar type was already allowed. He stated this district was intended also to include office buildings, so there would be similar buildings that would have similar height and bulk to them so that the character of the building may be similar as well to what may already be occurring in the future in this area. Mr. Zuraf stated these changes may be inconsistent with the Comprehensive Plan recommendations; the Comp Plan recommends multi-family residential specifically in Urban Development Areas only. He stated given the purpose of the RBC Zoning District, staff noted that the location characteristics of the current Urban Development Areas may not be consistent with the purpose of the RBC Zoning District. There may be some inconsistencies there.

Mr. Zuraf stated staff did not support the adoption of Ordinance O13-01 or O13-16 with the multi-family dwellings; staff noted the location would not be consistent with the recommendations of the Comp Plan as noted. He stated staff did support the adoption of O13-16 which would allow the dormitory use with the conditional use permit, as a dormitory use may be considered complimentary to a business campus setting after further evaluation. Mr. Zuraf did note that through the deadline of considering an ordinance, this was the last regular meeting to consider this prior to the deadline hitting in early March.

Mr. Apicella stated he had several questions. He stated there was a brief discussion about the history of how they got the RBC zoning and what it was intended to accomplish, and asked for a recap. Mr. Zuraf gave a recap of the RBC zoning district. Mr. English stated there were three or four changes made since 1998 and asked if that was correct. Mr. Zuraf stated one major change but then maybe a dozen minor changes. He also stated this was the only RBC district in the County. Mr. Apicella asked if there were environmental issues or objectives as part as an RBC as well close to the river for example. Mr. Zuraf stated the RBC district recommended the district in proximity to rivers, larger lakes, and environmental features like that. Mr. Apicella asked in terms of market rate apartments, were they ever proposed as part of the original or subsequent rezonings or any changes to the RBC district prior to the zoning request that was most recently considered. Mr. Zuraf stated no. Mr. Apicella then asked what the current proffer guideline for apartments was. Mr. Zuraf stated somewhere in the range of the low \$20,000's. Mr. Apicella asked if there was a way to separate out what the preferred proffers would be in the absence of school children. Mr. Zuraf stated he did not recall the specific breakdown, but that it was broken down.

There were questions and a discussion about proffers and proffer guidelines, along with apartment units. Mr. Apicella asked of any other zoning categories that would allow for apartments by-right or under a CUP that was currently within our portfolio. Mr. Zuraf stated the R-3 Zoning District, the P-TND Zoning District, the UD Zoning District, and PD-1 and PD-2 as well. Mr. Apicella asked if the standards were different for denying a CUP versus a rezoning. Mr. Zuraf stated there were specific standards that were associated with a conditional use permit in the zoning ordinance. There were six of them dealing with impacts to adjacent properties, consistency with the Comp Plan, health, safety and welfare type of evaluation measures, and they were not the same. There was a separate section of standards that a rezoning would be used to consider. Mr. Apicella asked if it was ultimately more difficult to deny a CUP once the staff and the Planning Commission and Board of Supervisors had a sense of what those conditions should be, if the applicants met those conditions. Mr. Zuraf stated typically if a CUP met the standards of issuance then yes, it would be more difficult to justify denial.

Mr. Apicella asked if this was an appropriate location for market rate apartments. Mr. Zuraf stated in the staff report for the rezoning request, that was discussed and it was noted as a potential negative that the location of the apartments was not necessarily consistent with the Comp Plan.

Mr. Hiron asked if the golf course, Cannon Ridge Golf Course, was within the RBC boundary and how many acres it was. Mr. Zuraf stated yes and he did not know off the top of his head. He stated he knew there was a resort district which was intended for multiple golf courses, and this was one golf course and he believed another golf course could fit on that area.

Mr. Hiron asked if a developer could, in theory if they made multi-family a by-right, come in and plow over the golf course and just put up apartments all down there. Mr. Zuraf stated they could not add additional apartment areas than what was already being proposed. Mr. Rhodes asked if there were any other questions. Mr. Gibbons stated he did not have a question but he wanted to commend Mike for his knowledge. Mr. Rhodes then asked the applicant to come forward.

Chris Hornung stated he was Vice-President of Planning and Engineering for the Silver Companies. He stated he had some sort of prepared comments and that he was not prepared for some of the questions that came up tonight because they were all related, a majority of them, to the zoning which the Planning Commission had already voted on. He talked about how this was actually for the RBC amendment, whether or not it was appropriate to add multi-family to the RBC. He stated that on the financial side, they prepared a financial analysis based on the County's numbers. They submitted it to staff, staff reviewed it and concurred with it. Mr. Hornung stated the Comp Plan said development would pay for itself and that was what the analysis showed. The County's proffer guidelines were not based on any current model. So, from the applicants' standpoint, the analysis they gave met the Comp Plan, it met the guidelines, it met the numbers that came from the 2012 budget, whereas the proffer guidelines did not. He felt that their numbers stood for themselves, and that staff would not have stood up and said they concurred that this analysis was done based on the numbers and it did work if that were not the case. He stated they were doing what the Comp Plan said. Mr. Hornung stated this ordinance allowed them to build the 672 units they were proposing. That was it. There were proffers associated with this project. There was a GDP that went along with it that were all part of the package. He stated this was supposed to travel together, and it unfortunately got pulled apart and it was now two actions. He discussed the ratio and acreage and how much they could build. Mr. Hornung stated there were currently 6 other districts in the County that allowed multi-family by-right. And all of those, in their by-right language, did not say anything about proffers. To his knowledge, there were no other multi-family zoned parcels in the County that were undeveloped that could potentially have multi-family built on them today. He stated there was a question about the density, 16 units per acre. Originally, their original submission was 7 units per acre, and it included a larger piece of land. And they were advised by staff to reduce that land acreage down to just the piece specifically around the apartments which they did which necessitated changing it from 7 to 16 to make the project they had proposed work. He stated they were not changing the project proposed; it was the same project, just the land area shrank which made the density go up. Mr. Hornung stated one thing he wanted to comment on was that the purpose... there were questions about what was the purpose of the RBC. The purpose of the RBC was a recreational business campus that had a mix of uses that would attract businesses. He felt that multi-family was an asset to have in a development. He stated that in this project, after the apartments, they would have roughly about 400 acres of available land to develop with some type of office or other use that would be allowed under the ordinance. That would be roughly 3 times the size of the Quantico Corporate Center. He stated there were more stringent environmental requirements on this site than others, and that was why they would have a 55% open space requirement. That was why they had 308 acres of conservation easements around the perimeter of the property. He stated that they had fulfilled all of the additional environmental requirements that they were asked to do at the beginning of this project. Mr. Hornung stated finally he just wanted to say

as far as the by-right uses in the County... or the uses in the County where you're allowed to have multi-family by-right, there were 7 of them; none of them were a conditional use permit, they were all by-right. That would include the TND, the R-2, the R-3, your PD-1, your PD-2... none of them were conditional use permits and to his knowledge there were no residential uses anywhere in the County Code that were allowed or only allowed by a conditional use permit vote. He stated the only ones he thought was a caretaker residential use that was allowed as a conditional use permit, and there was a congregate housing, something along those lines, to his knowledge, as the only ones. Multi-family was not listed as a conditional use in any of the districts. So it was their preference that that be considered as a by-right use and that it go along with the package that was going to the Board of Supervisors for consideration of all of the items, including the issues raised tonight that were addressed during the zoning hearing.

Mr. Rhodes asked if there were any questions for Mr. Hornung. Mr. English asked what these apartments were going to look like and were they going to be like the ones over on Fall Hill Avenue. Mr. Hornung stated they had renderings, they had photos of them in the original package. The plan was they would be an upgrade to the ones that were over by Wegmans at Celebrate Virginia South. It would be the next level above that located here. Mr. Rhodes stated he did have GDPs that came with it. Mr. Hornung stated it was part of their overall proffer package that they proffered the materials and the style of the building. Mr. English asked how many were over there on Fall Hill Avenue. Mr. Hornung stated there were 2 pods there. He thought one was 232 and he thought the second was 250, so somewhere around 480. Mr. English asked if they were all filled. Mr. Hornung stated last he checked, the one that was built 2 or 3 years ago was roughly around 97% occupied. The one on the right which was built later... actually it was just completed maybe 6 months ago... was still in its lease-up phase, but it was getting close to being filled up.

Mr. Rhodes asked if there were any other questions. Mr. Apicella stated he was still trying to connect the dots here. What he thought he heard Mr. Hornung say, respectfully, was if he pursued a different zoning category he would not have to provide proffers because it would be by-right. Mr. Hornung stated he did not say that. He thought what he said in the last meeting was that if the avenue to get the apartments approved was to rezone it to R-2 or R-3, they still would be in here with their financial analysis that they did with the same proffer package that was before the Commission with the zoning request that they had. Just because they came in to rezone it to an R-3 or an R-2 doesn't change the fact that the apartments themselves financially pay for themselves based on their analysis. Mr. Apicella stated he knew they wanted to talk about it but, again, there were a lot of people here who may not have been here before. Mr. Apicella stated that maybe he could help them again understand, because there were a lot of existing... different types of housing in Stafford. They had proffer guidelines because they did not believe that in many cases the housing, if built, would pay for itself. Somebody would buy a single-family home, they're buying groceries, they're paying for gas, they're paying taxes, just like somebody who would be in an apartment although the owner of the apartment would actually be paying those taxes. He asked why was there a difference with apartments and them paying for themselves versus a single-family house or any other housing type in Stafford County. Mr. Hornung stated that a single-family house over \$365,000 in value would pay for itself. An apartment that was valued at roughly \$159,000 would pay for itself based on the analysis they performed. It was a matter of what was the value of the house, how many children, how many people were staying in it that were costing services, and running a model to see at what point would the cost to the County balance with the revenues that you generate. He stated that if a house was assessed more, you would generate more taxes, you would have more money to pay for the services resulting from it. Mr. Hornung stated that what they had found, and it was in their analysis that the average, what they were building right now in Celebrate Virginia South and what they had built at Cosner's Corner, based on the County, Stafford County's assessment model, it would roughly pay for itself because of the revenues generated at the assessed value and because by limiting the number of bedrooms, you reduce

your cost by reducing the number of school kids. He stated the other thing in particular on this site was that transportation, or transportation standpoint, the overall project infrastructure, the roads, the bridges along 17 and others, were paid for through the CDA and through the Silver Companies in order to facilitate putting the overall project in. So, it was paid for by the overall project and, therefore, they did not think the transportation proffer should apply. Mr. Apicella stated an apartment... they were still using the parks potentially, they were still using the libraries, they were still getting off of the parcel onto 17, riding up Courthouse Road, 610; those had impacts. Mr. Hornung stated it was all in the model. Mr. Apicella stated it was what was in the model and it would depend on whether or not that had complete and true reliability. Mr. Hornung stated which was why they gave it to the County and why the County's Director of Finance was there saying she agreed with the model as it was presented.

Mr. Rhodes asked if there were any other questions for Mr. Hornung. He stated, just to recap from the staff's presentation, this was referred by the Board of Supervisors, based on a request received from Silver Companies about consideration of adding multi-family homes as a by-right use into the RBC ordinance. He stated their approach was to ensure that they answered the Supervisors' request to look at multi-family housing as a by-right use, but they added to it a definition of dormitory uses or school-related uses so they would have two types of uses to look at. He stated they thought it was important to have the possibility in their recommendation of both by-right use and CUP use as part of the consideration. That was why they were seeing two duplicate or very similar ordinances that were before them. It was in order to be able to allow the Planning Commission to have the flexibility to give a very specific recommendation that they might develop from the range of options of by-right or CUP and multi-family and dormitory, all or nothing, and the combinations in there, but also to ensure that the Board was given the opportunity to take in the broader considerations that they were elected to do in the process.

Mr. Rhodes then opened up the public comment portion of the public hearing.

Paul Waldowski stated he wanted to go through the history. First of all, the County finally had a Comprehensive Plan, the RBC was in the 20th century, staff said it may be inconsistent with the Comp Plan... well it was inconsistent with the Comp Plan... the only place it would fit was in UDAs but they knew that UDAs were now optional and they were looking to remove those from the Comprehensive Plan, and wanted to do a little bit of history of Celebrate Central Park. He stated there used to be a golf course there, there used to be apartments off of that, there was a Sheraton Hotel, and there were all these jobs that came into the area. Those were the jobs that the teachers had to go work because they did not get paid enough in the County because the median income was above \$94K. Mr. Waldowski stated CUPs were a nice thing to have but they were not an absolute. It was just like the applicant brought their model. Well, the model was explained with subjective comments as most developers would do. He stated it was roughly that amount of money; he thought it was that amount of money. The only absolute numbers that came out were 672 units which was objective. Also, the zoning categories that were in place were there. He stated just so you know about these apartments, he owned an apartment but it was in one of those six districts that he talked about, and he did not get a County water and sewer bill. Mr. Waldowski stated if the Commission did pass this ordinance, you bet he would want his County water and sewer and bill because if they got it then we should get it. He stated we had been waiting 30 years for it. There was no dumpster ordinance so if the Commission wanted to pass this ordinance, let's get the dumpster out there. So these apartment people would not have to live with carrying their garbage can across the apartment, down the stairs, because we don't have a dumpster ordinance for vertical parking. He stated it just amazed him that here we were in the 21st century, in the teenage years of the 21st century, years 13 through 19, and if we did not set things in the right matter, then we would keep on coming back and correct these errors that the next generation

would have to deal with. He stated it should be done right the first time and follow staff's guidance and professionalism.

John Alexion stated his comments only referred to properties on the Celebrate Virginia Parkway. Here we were again; same picture, different frame. It seemed to him as though every time Silver failed at something, he would bring a request to this board. Previously Silver made elaborate presentations to our communities and, in his opinion, offered illegal bribes... excuse me, proffers... to convince us of the benefits of the two sites for apartments, to no avail. Now he was requesting apartments for most of the Parkway. He stated Silver should be looking within his own organization for failing to build or to find proper tenants. He built one sale center and one warehouse; currently both were occupied. Mr. Alexion stated Silver's marketing department had failed to produce any additional tenants. The rest of the United States was slowly showing marked improvement in office construction as evident by Manitowoc Company, a leading crane manufacturer. Those were the cranes that sit on top of office buildings during their construction. It recently showed a 6% increase in sales and in backlog. Where was Silver? He stated it appeared as though Silver wanted to get apartments approved at any cost, but rather than coming here with his hat in hand and asking for help Silver should be looking within his organization to understand why his original plan was failing. Mr. Alexion stated it was failing because his sales department needed an overhaul. By that, he meant a change in personnel. Fire the people responsible for this failure. He stated there were many qualified people that were currently unemployed and willing to work hard to find future tenants. Currently Silver did not have an office building to show prospective tenants. Mr. Alexion stated that during his business career, he moved his office several times. And in each instance he visited the new facilities to get the feel, the look, the quality of the other tenants, to see if it would be comfortable. More importantly, would his clients who would come to consult with him feel comfortable in this new environment. He stated you could not get the feel by looking at trees. In conclusion, he thought Silver would have to address his failures and take a positive approach and start building according to his original plan... not apartments. He thanked the Commission for voting down Silver's last request and he hoped they would do the same this time.

Mark Lurch stated he stood up there before the Commission to talk about this before and he wanted to be clear that the purpose of this was really just to get these apartments and these dormitories in. There were already lots of discussions about this and the community was against it and then eventually the Planning Commission was against it, the staff was against it, and the Board of Supervisors voted it down. And here they were again discussing the same thing. He stated nothing had changed. The County had a great document called the Comprehensive Plan. He stated he read it a few times and it would go into a lot of detail about what the vision was for the community of Stafford and he thought it did a really good job. Mr. Lurch stated this proposal was inconsistent with the goals of the Comprehensive Plan. It's been said by the staff, and he thought the Commission knew it also, so they would be going outside of this. He stated he thought they would have to be very, very careful about going outside of what was in a Comprehensive Plan because it was clear to him that this took a great deal of thought. He stated this was carefully thought out as to what the vision was. And to take this one RBC and try to reform it into something else as a result of these proposals just sounded very strange to him. Mr. Lurch stated he did some research on this because he did not like the feel of it. He found that there had been instances of communities attempting to do this specific zoning or spot zoning for particular developers. He thought it was a very slippery slope that they may be on and he did not know if the Commission had given it a great deal of thought, but he thought they should probably consider the implications of taking the RBC, redefining it for these two very specific areas in Celebrate Virginia North. Mr. Lurch stated he really did not believe the RBC was the right place for apartments. He bought there because he knew what was coming, he knew what the vision was, he knew what the plan was. Putting apartments there he did not think fit the Comprehensive Plan as well as the Urban Development Areas that the County has outlined in the Comprehensive Plan. That was obviously

better suited for these plans or proposals that Silver had come up with. He stated the RBC and the Celebrate Virginia, he did not believe that that was the original plan. He did not believe the developers thought that that would be part of the original plan and he did not think it should be approved.

Laura Rosenthal stated she was opposed to the apartments and for the projects for the reasons that the Commission had heard before. She stated she would appreciate some clarification on the numbers she had been hearing. It was said that there would be a maximum of 672 apartments allowed in the development. She asked if the dormitory became a by-right use or a conditional use and the law enforcement housing units were categorized then and built as dormitory use, would that mean that there could be an additional 192 apartments built as allowed within the 672 that would be allowed. In addition, the ordinance would allow 5% of the RBC acres to be used for apartments. She stated based on the numbers that Chris Hornung was kind enough to give her, that meant that 63 acres. The garden apartments would take 37 acres, the law enforcement would take 12 acres if that was included in it, so there would still be some acres that could be used for apartments. She stated she realized the proffers spoke to 672, but the proffers seemed to be specific to two parcels, to pod H and to pod I. If a developer came and wanted to build on a different pod and it was within the 5% that was allowable, was there something that would restrict him from building apartments on a different pod that was not part of the restrictions and the two proffers that were offered. Ms. Rosenthal stated she would appreciate clarification so that they did not wind up inadvertently allowing more apartments than they thought.

Robert Alton stated he wanted to voice his opposition to the amendment to the Zoning Ordinance for the RBC to allow the apartments, the multi-dwelling units and the dormitories. He believed it was a terrible project for that area. It was not complimentary to any of the surrounding community. It would put a huge strain on the fire, EMS, roads, schools, you name it. He stated it was his understanding that the developer would like to build the apartments on the land because that was the most profitable use. But that should not come at the expense of the community. Mr. Alton stated on behalf of himself, his neighbors, their families, that the Commission vote nay on this.

Phillip Smith stated he too would like to express his opposition to the change to allow the apartments to be built in the Celebrate Virginia North area. As you had heard time and again from the representative from Silver that these apartments would pay for themselves, he did not believe that that would be the case. He stated living in that neighborhood and realizing that they were 3 miles because he lived directly across from where they were and it was exactly 3 miles to Highway 17. In answer to your question earlier as to how far it was from that, it was 3 miles. There were no other services located there. He asked that any families or anyone who would move into that area, what were they going to do, what services would they have. You talked about the fair market rate of apartments; again, this area was being compared to across the river over at Celebrate South. You had several amenities over there; you had restaurants, you had shops, you had all these things which draw people in. He stated this was a rural environment and asked what there was to draw people in, what was there to maintain this rate to say that it would not go down in the future. Mr. Smith also heard discussed this evening that in other parts of Northern Virginia that they build these apartment complexes because of the businesses and things that were there. He stated he owned one of the homes and the original plan was that they were going to have these executive homes and they were going to have doctors' offices and businesses and everything there. When the homes were built, there were no businesses. He stated the were now being told when they build these apartments, they were going to have businesses. It did not work the first time so he did not see it working the second time. He thought that the impact again would be very negative on the County and especially on the community and he asked that the Commission please carefully consider this and hopefully would vote no.

Patricia Gridley stated she, like the rest of her neighbors in Celebrate North, when she purchased her home she did not want to have apartments and bought specifically there because there were no plans for apartments. Single-family homes, townhouses, condominiums, there was ownership in these homes and people want to take care of their property. She stated when you get into apartments, you had a turnover of people. One of the things that was mentioned about the Wegmans style apartments was that they were 97% full. She stated as you might know, when an apartment is there, they give away the store to get people in. Once they were in then they were kind of locked in and they don't care about them, they raise the rates. Silver sold the property over by Wegmans and now it was not even operated by the same people. And that was kind of what they do; they come in, buy it up, build it, sell it, and then you did not have the same thing that was promised. Ms. Gridley stated that as far as the 97%, back in November when they had this meeting before, she did some checking around the apartments that were close to 17 in Celebrate. She stated they were not full either; they were 6 to 15% occupancy of the apartments that were there and they told her they were giving away the store to get people in there. And with Celebrate Parkway 3 miles from 17, as was just mentioned, there was absolutely nothing to do. She stated the her area was not like Wegmans. She proposed that the Commission not vote for these changes. She also stated she did not know what was going to happen with the golf course either. She thought some things were proposed originally that they could not do anything with the golf course other than make it a golf course, so she did not know what was promised prior.

Mark Lewis stated he lived sort of close to Celebrate Virginia and he saw it growing every day. He did not see the infrastructure of roads. All he saw was clutter, crowding, and there were no roads to really get anywhere. Everything was backed up. He stated we did not want to get into a situation of Route 3 in Fredericksburg; partially they already had. But he would ask that the Commission not approve this so that we could stay away from another Route 3.

Al Matera stated he liked to go last usually because he could always agree with everything that was said before him, and this was another opportunity to do that. He stated he did agree with everybody else's remarks. He believed the apartments were inconsistent and out of character with his neighborhood. He thought the apartments had the potential to spoil his neighborhood, and everybody else there, it was their neighborhood and he thought they all felt that these apartments just do not belong in this community. He stated he was also concerned about transportation on Friday, talking about 600 plus apartments. Trying to get into the community off of 17 into Celebrate Virginia at rush hour, getting in or out, was a major chore. Some of them may have already experienced that. Mr. Matera stated he could not leave his house on a Friday night because 17 was so backed up it was almost impossible to get on it from Celebrate Virginia. Apartments would not help the matter, and if you were coming, trying to get to your neighborhood on a Friday night during rush hour without the stoplights, it was a long trip. So for these reasons and those expressed by everybody else here, he hoped the Commission would vote no.

Mr. Rhodes asked if there was anyone else who would like to speak. Seeing no one else come forward, he closed the public comment portion of the public hearing. Mr. Rhodes asked Mr. Zuraf to confirm the number of units that were associated with pod I and pod H. Mr. Zuraf stated pod I, the law enforcement housing, was 192 units and pod H would be 480 units. Mr. Rhodes asked regarding the 5% versus what was currently the acreage which was slightly under 4%, what were the provisions that preclude further development throughout the RBC area. Mr. Zuraf stated there was the land use concept plan which would have to be approved separately, as a separate action, following a rezoning. That, as proposed by the applicant, was limited to these 2 locations. So they would have to come in with a follow-up...

Mr. Rhodes stated they would have to come in with separate legislative change or request to be able to do anything further than those amounts. Mr. Zuraf stated correct. Mr. Rhodes asked if there were any further comments for staff. Mr. Apicella stated he heard someone mention a term that he was not completely familiar with, and then asked what spot zoning was. Mr. Zuraf stated spot zoning was when there was a zoning district created that was not in character with the intensity of the zoning districts that were basically all around it. So you would have different uses, different intensities that would create potentially different use of the land than everything that was established around it. Mr. Rhodes asked if there were any further questions for staff. Hearing none, he brought it back to the Commission. He personally stated that he had been of a position with this, he thought the greater effort for the school and the things they were trying to do with the RBC had some merit up at pod I and that, to him, was consistent with the dormitory approach or use. He thought that could be complimentary up in that area. He thought that could be consistent with also possibly having it a use that was allowed as a CUP so that they could help do some structuring around it. Mr. Rhodes stated as they looked at the combination of variables associated with these ordinances, he knew that he was of a position that was more supportive of the O13-16, the CUP, but just for the dormitory perspective. But certainly he was comfortable going forward with any other comments by other members or... he thought this was in Hartwood. Mr. English stated he would like to make a motion to deny the apartments, O13-01, but he would like to adopt for the dormitories on O13-16. Mr. Rhodes asked counsel the best way to approach this. Ms. McClendon suggested going for the ordinance that they were seeking to approve. By approving that ordinance they would do away with the other ordinance and it would not have to be voted on. Mr. Rhodes asked if she was recommending that the Commissioners just have a recommendation for approval of whichever one and whichever variation of whichever one and that be their action. Ms. McClendon stated that was correct. She stated basically acting on the second ordinance would conflict with the first action and there was no need to act on it. Mr. Rhodes thanked Ms. McClendon. He stated what he thought Mr. English's motion was to make a motion recommending approval of O13-16 but only for the dormitory use and not for the multi-family use. Mr. English stated that was correct. Mr. Apicella asked if his colleague would accept a friendly amendment. He stated perhaps his colleague would be willing to exclude the multi-family portion from that specific ordinance because he thought there may be another provision that they might like. He thought they were taking out certain kinds of schools as part of both ordinances, so if it was restricted to just that one piece in that one ordinance, then that school piece would also be taken out based on what was said. Mr. Rhodes stated he wanted to make sure he understood. He stated Mr. English was recommending approval of O13-16 but not for multi-family use, only for dormitory use by CUP, and that Mr. Apicella's concern was that that did not do the redefinition of schools or take that out. Mr. Apicella stated that was right. Mr. Apicella stated his concern was the way that it was phrased just limiting the ordinance O13-16 to just the dormitory portion of it might exclude the other piece. He thought they were talking about changing the language to take out schools. Mr. Rhodes stated he thought they would be recommending approval of O13-16 except for on page 2 striking under subparagraph (b) of Section 28-35, Conditional use permit, striking "multi-family dwelling." He stated this would still include the portion that would strike the school portion above it, that would be in subparagraph (a). He stated all they would be striking from there would be under Conditional use permit, subparagraph (b), "multi-family dwelling." Mr. Apicella stated that was correct. He stated if that was the proposal then he would second. Mr. Rhodes stated that the intent there was just to address an additional use being the dormitory definition and description as a CUP and asked counsel if they adequately covered that with O13-16. Ms. McClendon stated that was correct. Mr. Apicella stated he did not think that the multi-family market rate apartments were appropriate in this particular area. He stated he did not think this was the right way to change the RBC zoning to include the market rate apartments; there were other options, whether it was by-right or under a CUP. He thought what was proposed were minimal proffers by the applicant which he did not believe would provide sufficient offsets for market rate apartments to pay their own way contrary to where he thought the County wanted to go. He stated he did not believe this was the right place for a large market rate apartment

complex, but he did believe they needed more living choices in Stafford County, including multi-family dwellings, it would just have to be in the right place and needed to be consistent with the surrounding area in the Comp Plan. Mr. Apicella stated the reason why he thought dormitories were a little bit different was because he did not think it would have substantial impact on that development. Mr. Rhodes stated he wanted to clarify one point. With this action, this was only a recommendation to the Board; the Board would hold another public hearing on this same topic and they would have the option of... they would be advertising both draft ordinances. The Commission was going forward with the recommendation of one which makes unnecessary the recommendation on the other, but the Board would be able to advertise both versions. Ms. McClendon stated yes, the Board would be able to advertise both versions. She wanted to point out that based on the way the current recommendation was before the Planning Commission, it would not do away with the multi-family part of the definition, so they would need to take a vote on that part of the other ordinance. Mr. Rhodes asked if they needed a separate action to take away that subparagraph (b), multi-family. Ms. McClendon stated no, that basically what was before the Commission currently for consideration was the adoption of the dormitory use by CUP. However, the Commission had not made a recommendation specifically with regards to multi-family use. She suggested a second vote after this vote on O13-01. Mr. Rhodes stated that made sense. The motion for O13-16, as modified, passed 7-0. Mr. English made a motion for disapproval of O13-01, seconded by Mr. Apicella. The motion passed 7-0.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O13-09 would amend Stafford County Code, Section 28-35, "Table 3.1, District Uses and Standards," to allow generating facilities as a by-right use in the A-1, Agricultural and M-2, Heavy Industrial Zoning Districts, when such facilities are located on land owned by Stafford County, the Commonwealth of Virginia, or another county, city, or political subdivision. **(Time Limit: May 14, 2013)**

Kathy Baker gave the staff presentation and stated that the Planning Commission was to consider a zoning ordinance amendment to permit power generating facilities located on public lands to be allowed by-right in the A-1 and M-2 zoning districts, instead of requiring a conditional use permit. The Rappahannock Regional Solid Waste Management Board (R-Board) is working with a private company to locate such a facility on the landfill property. The facility would convert solid waste to energy, and then sold to Dominion Virginia Power. The facility would be located adjacent to the existing power lines on the landfill property, and be housed in three buildings totaling 40,000 square feet. The proposed ordinance was referred to the Planning Commission by the Board of Supervisors on January 22, 2013, and the Planning Commission authorized public hearing on January 23, 2013.

Mr. Rhodes asked if the Planning Commissioners had any questions.

Mr. English asked the location of the facility, and Mr. Harvey stated it would be located beyond the current methane-conversion facility, toward the back of the landfill, closer to the Virginia Power easement.

Mr. Rhodes opened the public hearing. With no speakers coming forward, the public hearing was closed.

Mr. Gibbons made a motion to recommend approval of Ordinance O13-09, and the motion was seconded by Dr. Schwartz. The motion passed 7-0.

UNFINISHED BUSINESS

4. RC1200374; Reclassification – Embrey Mill Proffer Amendment - A proposed amendment to proffered conditions to allow flexibility in site location and design for public park and school

sites and amend additional proffers as described below regarding development of Assessor's Parcels 29-53, 29G-AA, 29G-K, 29G-L, 29G-M, as well as 29G-1 lots 33 through 65, lots 81 through 120, lots 154 through 165, lots 187 through 199, lots 325 through 347, and lots A, E, F, H and J. The property, known as the Embrey Mill development, is zoned A-1, Agricultural; and PD-2, Planned Development 2 Zoning Districts and consists of approximately 957 acres. The property is located on the north side of Courthouse Road, just west of Austin Ridge Drive, within the Garrisonville Election District. **(Time Limit: May 13, 2013) (History: Deferred at February 13, 2013 to February 27, 2013)**

Kathy Baker gave the staff presentation and stated that a public hearing was held on this item on February 13th. The Planning Commission deferred the item to ask for input from the School Board and the Parks and Recreation Commission. A copy of the letters exchanged between the Schools Superintendent and the County Administrator was included in the Planning Commission package. Mike Zuraf handed out a memorandum from the Director of Parks and Recreation indicating their support for the proffer amendment, based on their meeting last Thursday.

Ms. Baker stated that Scott Horan, Assistant Superintendent of Schools Facilities, was present this evening to talk about the discussion at the School Board meeting last evening.

Mr. Rhodes asked Mr. Horan to come forward. Mr. Horan stated that the School Board met last night, and discussed this issue during their public comment period. The School Board empowered Mr. Horan to speak on their behalf. Mr. Horan stated that he just handed out talking points from the School Board to be entered into public record. The School Board supports the land swap and understands overall it is a good project. The area of concern was switching the land. His predecessor worked on the former proffers, and they had previously received geotechnical reports on both school sites, which was submitted by the developer to meet the proffer requirement. However, no geotechnical report was done for the park site, which is now being swapped for the middle school site. So there is concern that the middle school site could cost more to develop. The School Board wanted the Board of Supervisors to acknowledge this fact. Mr. Horan believes that the soils for the school site would be similar to the soils on the park sites.

Mr. Rhodes asked if the talking points would be provided to the Board of Supervisors. Mr. Horan stated it could be included in the Board's report. Mr. Horan stated the School Board could supply a resolution if necessary.

Mr. Gibbons asked why the Schools would accept the site if they had doubt about its development.

Mr. Horan said they didn't have definitive plans for development of the school, but since they have a limited land bank, it is a high probability that a school will be developed on this site. They believe they can develop a school on this site, but it will likely cost more to develop than the original site.

Mr. Gibbons stated now would be the time to ask the Board of Supervisors to assess the school site.

Dr. Schwartz asked if in the former proffers the developer was required to submit geotechnical studies. Mr. Horan stated the previous developer met the proffer requirement to submit the studies on the schools sites. Dr. Schwartz stated that if the school site wasn't sufficient, then other sites could be offered by the developer as an alternative. Mr. Horan said that it was based on the previous school sites, but they accepted those previous sites based on the studies. Dr. Schwartz stated that the school site may not be suitable for development ten or twelve years down the road, and if the subdivision is built out, then another school site may not be available. Mr. Horan said that is correct, but they do not have the middle school site on the books yet. Dr. Schwartz said a dialogue should occur to determine

if the new site is suitable. He also asked if geotechnical studies would be conducted by the Schools for the site in the future. Mr. Horan said yes.

Mr. Hirons asked if the School Board planned to offer any further comments on this issue. Mr. Horan said no, unless the County asked specifically for a resolution.

Mr. English asked what the cost would be for a geotechnical study. Mr. Horan indicated it could be done for about \$2,000 to \$3,000, based on his experience with other studies.

Mr. Rhodes turned the meeting over to Mr. Hirons, Vice Chairman, and made a motion to recommend approval of the application, and Mr. Apicella seconded the motion. Mr. Rhodes indicated there are concerns that there has not been enough open dialogue during this process, and perhaps this would reinforce future partnerships.

Mr. Gibbons offered a friendly amendment to recommend a geotechnical study be conducted by the County immediately, on behalf of the schools. Mr. Rhodes accepted this amendment, and Mr. Apicella concurred. With no further discussion, the motion to recommend approval of the application, with the recommendation to the Board that a geotechnical study be done by the County, was approved 7-0.

5. RC1200390; Reclassification – Elm Street Communities Inc. - A proposed reclassification from A-1, Agricultural to R-1, Suburban Residential Zoning District to allow 95 single-family detached residential units be developed on Assessor's Parcels 28-2A, 28-126 and 28-127. The property consists of 68.54 acres, located on the north side of Courthouse Road and east side of Shelton Shop Road in the Rock Hill Election District. **(Time Limit: May 13, 2013) (History: Deferred at February 13, 2013 to February 27, 2013)**

Mike Zuraf gave the staff presentation and stated that a public hearing was held on this item on February 13th. The Planning Commission deferred the item to for further information. The first issue was to request more information from Virginia Power and the ability to provide a road crossing through the power line. The applicant initiated conversation with Dominion. Dominion said there would be fill over the power lines, and Dominion could support a 90 degree road crossing.

The second issue was to request feed back from VDOT regarding the proposed entrances. VDOT provide a response, and with the future development of Courthouse Road as a four-lane divided road, only one entrance along this section would get a median break. This subdivision, and not Augustine North, would likely get the median break so traffic could make left turns onto Courthouse Road for traffic heading east, and the median break would permit this.

The next request was that the staff reach out to the School Board staff regarding proposed proffers. The Schools noted that the performing arts proffer was appropriate, but the JROTC proffer should not be as specific, based on potential priority changes in the future.

Mr. Apicella asked if staff has discussed the concerns with the applicant, and Mr. Zuraf stated no. Mr. Zuraf did speak with Parks and Rec staff regarding the parks proffers, and they are evaluating future fields in the vicinity.

Mr. Zuraf stated item four was regarding the proposed interparcel access to the property east of the site across an RPA stream. Staff discussed this with the transportation division of the County, and they did not see any issues. There could be an additional \$200,000 cost based on stream and wetland impacts, and providing a culvert.

Mr. Zuraf stated that revised proffers were included in the PC packages, and new proffers were handed out tonight based on changes to the schools and parks proffers. The applicant amended the entrance proffers to maintain one entrance, not across from Monument Drive, but allow for a future second entrance at that location.

Mr. Rhodes asked if the parcel to the north was developed, and if the interparcel access would provide access to that. Mr. Zuraf said it is undeveloped, and any future development would need to provide the construction for road connection. Mr. Rhodes asked what the cost would be to construct a road there, and Mr. Zuraf stated he would defer to the applicant.

Mr. Zuraf discussed the amount of the revised proffers, which reduced the cash contribution to schools and parks, but off-set the transportation proffers.

Mr. Rhodes asked if there was a precedent for proffers substituting projects. Mr. Zuraf said he wasn't aware. Mr. Gibbons was not aware either. Mr. Harvey said proffer funds are allocated by the Board. Typically the district supervisor can make the determination as to where it would go within the district. Mr. Hiron asked if the language has been included in any other project, as he is uncomfortable with the language that redistributes the funds. Mr. Rhodes said the mitigation should happen within the area of impact of development. Mr. Harvey said the proffer guidelines are silent to the issue, but the Board or the School Board would put the item on their agendas for discussion. Mr. Apicella indicated he is comfortable with the intent, but not sure about the language. He asked if the applicant would consider changing the language regarding the process. Mr. Rhodes noted that a representative for the School's facilities was present, and if he could come forward.

Scott Horan came forward to address the Commission. He said it is the practice of the School division to request the proffers based on the attendance zone of the students within a development, and the School Board approves it. Attendance lines change, though, so it could be complicated if a proffer is specific. Also, the priorities may change, and a proffer may no longer be needed for a specific project.

Mr. Rhodes asked Mr. Gibbons if an amount could be designated for Colonial Forge, with some possible projects listed. Mr. Gibbons indicated he would be fine with that. Mr. Apicella asked if they could accept the language if it was general by district, and Mr. Horan indicated he thought so, but his recommendation would be by attendance zones.

Mr. Rhodes asked the applicant to come forward.

Charlie Payne, Hirschler Fleisher, came forward to answer questions. Mr. Rhodes asked him to reiterate the change in proffer amounts, as some of the changes didn't add up, and Mr. Payne clarified the changes as shown in the proffers. Mr. Rhodes asked what the idea was for the sight line proffer at Monument and Lynhaven Drives. Mr. Payne stated it was an estimate, as a result of the concerns specified by the neighbors. Mr. Rhodes asked the cost of building the interparcel connector across the power easement, and Mr. Payne didn't know.

Mr. Gibbons asked about the change of the subdivision name, and Mr. Payne said it was changed when they revised the proffers, and it is now Shelton Woods. Mr. Gibbons also stated he didn't want to pass the burden to the next property owner for the construction of the road over the power line. He also asked about the proffer change with the sunset language. Mr. Payne said he added language for clarification to the sunset language, and they believe they are providing proffers to offset the impacts. Mr. Payne also said that the cost to provide the interparcel access would be \$300,000 to \$400,000.

Mr. English questioned how one entrance would impact emergency access, and if a secondary entrance could be provided. Mark King, Bowman Consulting, noted that a second entrance does have challenges with sight distance under the current conditions. Mr. English asked about a gated access? Mr. King noted the applicant would lose one or two lots and would likely not be used. Mr. Zuraf added that the number of lots does not trigger the need for a second entrance. It would be required with 200 or more lots.

Mr. Gibbons asked if his request for enhanced siding materials have been addressed in the proffers. Mr. Payne noted it has been added under proffer 2.A.

Mr. Gibbons asked the applicant if they would be willing to modify the school proffer to allow more flexibility in the use of the funds, as requested by the School Board staff. Mr. Payne noted that their focus has been on impacts to the area, understanding that their project will create an impact. They are open to recommendations from the County on how to spend the proffer funds.

Mr. Gibbons commended the applicant for their willingness to meet with the residents and modify their project. To move this along, he recommended deleting subsection (i) and (ii) under proffer 5.A., resulting in a total allocation of funds of \$1,211,000 to be used for schools in the attendance area. Mr. Rhodes summarized the changes and added a suggestion that the last paragraph in proffer 5 be amended to remove reference to the Rock Hill District and its representatives, and instead refer to the local area.

Mr. Rhodes added that proffer 4.A would be expanded to require grading of a future road connection across the power line easement to the property line.

Mr. Apicella says it should be up to the Board what should be established as park priorities. Mr. Rhodes recommended that proffer 5.B. should be modified so the funds may be used in the local area, and not a specific site. Mr. Payne stated the modification is acceptable.

Mr. English questioned if anything was done to address his prior concerns with the walking trails and public safety. Mr. Payne stated that their past experiences with call boxes result in an increase in false calls, creating an impact on public safety resources. He added that the lighting of trails encourages use at night which creates an unsafe environment. Mr. English stated that the trails may not be a good idea for safety reasons as they will be located through a wooded area with limited visibility. Mr. Payne noted the trails are added for quality of life benefits but they would be open to removing that amenity. Mr. Rhodes questioned how CPTED review fits into the process. Mr. Zuraf noted that the issue gets reviewed sometimes during the rezoning stage, and may also get addressed during site plan review. Mr. Payne clarified the location of the trail network. Mr. Rhodes suggested the trail be developed in coordination with the Sheriff's Office. Mr. Payne reiterated this additional language which was acceptable to the Commission.

Mr. Schwartz brought up the issue of inter-parcel connection, noting to the east is vacant property and another subdivision, Amyclae, with two street stubs. He suggested a connection made to the east may provide for better interconnection and better service to the County than it would to connect to the north across the power line easement. Connecting to the north would only lead back to Shelton Shop and not existing street stubs. Mr. King responded that whether you connect to the east or north, the easement needs to be crossed to get to Amyclae. Here, they are able to help with the easement crossing. And crossing the RPA will be problematic. Mr. Payne believes the people to the east will likely not cross that RPA if they stub to the east.

Mr. Rhodes restated all the modifications to the proffer suggested and agreed to by the applicant.

Mr. Gibbons confirmed the latest proffers also change the name of the project to Shelton Woods and restricts the project to one entrance. Mr. Gibbons cited past cases where there was difficulty crossing the RPA.

Ms. McClendon suggested the specific changes to the proffers should be in writing from the applicant and hand written changes would be acceptable. Mr. Rhodes wrote the changes into the proffers for review and initial by the applicant. The changes to proffers 4.A., 4.D., 5.A., and 5.B. were initialed by the applicant and restated by Mr. Rhodes.

Mr. Gibbons made a motion to accept the amended proffers, and Mr. Apicella seconded the motion. The motion was approved 7-0.

Mr. Gibbons made a motion to recommend approval of RC1200390 with the amended proffer statement, and Mr. Boswell seconded the motion. The motion was approved 7-0.

6. **Discussion of Public Notification Requirements (History: Deferred at February 5, 2013 to February 13, 2013) (Deferred at February 13, 2013 until further direction from Planning Commission)**

NEW BUSINESS

7. **SUB1200343; Guy's Overlook, Preliminary Subdivision Plan** - A preliminary subdivision plan for 10 single family residential lots on 32.40 acres zoned A-1, Agricultural, located at the corner of Brooke Road and Marlborough Point Road on Assessor's Parcel 41-15, within the Aquia Election District. **(Time Limit: May 22, 2013)**

Robert Narvaez gave the staff presentation and stated this was a preliminary subdivision plan for Guy's Overlook. He stated lots 1 through 8 would have access from Brooke Road and lots 9 through 10 would have access off of Marlborough Point Road, all lots would be served by private well and septic, and stormwater management would be achieved by using above and below ground bio-retention facilities located on the lots themselves. Staff recommended approval of the preliminary plan.

Mr. Rhodes stated this was straightforward and the only thing of note was there was no willingness to consider some of the interests of the Historical Commission. Mr. Narvaez stated that was correct. He would defer to Mr. Harvey to elaborate. Mr. Harvey stated the Historical Commission raised some concerns and asked the applicant to consider studies of the property. It was not a code requirement and the applicant had decided not to pursue that at this point in time. Mr. Rhodes asked if there were any questions for staff. Mr. Apicella stated in reviewing the package it was not clear to him what the historical significance was of the property. He asked if there was any specific feedback from the Historical Commission or if there were specific archaeological sites on the property, either existing or conceptual. He asked if so, were they talking about Indian sites or civil war sites. Mr. Narvaez stated the Historical Commission thought there might be some kind of historical aspect in maybe some civil war parts with the Aquia Creek Battlefield archaeological site. He stated they also thought there might be some prehistoric sites on there. Mr. Apicella stated they did not get any specific reasons from the applicant as to why they were not amenable to that, they just decided to say no basically. Mr. Narvaez stated the applicant was present. Mr. Rhodes asked the applicant to come forward.

John Moran stated he represented the applicant. He stated the biggest reason was he had a local neighbor that was an historian and he had been over the site pretty much and that he had never run across any historical civil war or whatever out there. Between the different surveyors and the soils people, they had not run across anything either. He stated there was a previous preliminary that was

just recently done and he did do that on a recommendation. He spent quite a bit of money on it and they found nothing, and a lot of it came down to it was the cost of it to have to do it at this time. Mr. Rhodes stated the staff package made a statement that the Stafford County Historical Commission and the Cemetery Committee volunteered to conduct a walkover of the property, but they did not want to do that either. He asked Mr. Moran if he knew the reason. Mr. Moran stated if they walked and they wanted to do something else and ask him for different things and so forth, but he did not know. He was just going along with the owner's guidelines. Mr. Rhodes asked if there were any other questions of the applicant. Mr. Apicella stated he was semi-familiar with the area and thought there could be the potential that there were some archaeological sites on the property. He would like to get some more feedback from the Historical Commission to find out what their thoughts and interest were before they act. He stated he thought a two week delay to get them to come before them and articulate why they thought there was some significance would be the Commission just doing their due diligence. Mr. Gibbons seconded. Mr. Rhodes stated that was a motion to defer for two weeks and seconded by Mr. Gibbons. He asked if there were any other comments by the Commission. Mr. English asked if a letter would be sufficient instead of somebody coming from them. Mr. Apicella stated they would not be able to ask questions. If they could not make it, then a letter would do. The motion to defer passed 7-0.

8. SUB1200292; Westgate at Stafford Courthouse, Preliminary Subdivision Plan - A preliminary subdivision plan for 51 single family residential lots on 24.33 acres zoned R-2, Urban Residential, located on the east side of Austin Ridge Drive and north of Courthouse Road on Assessor's Parcel 29-66A, within the Garrisonville Election District. **(Time Limit: May 22, 2013)**

Mr. Rhodes stated he perceived that this was exactly what they presented when they did the larger presentation and asked if there were any changes on this from the larger presentation when they did the commercial rezoning. Mr. Harvey stated yes, the preliminary subdivision plan basically mirrors the concept plan that was proffered with the rezoning. Mr. Rhodes stated he just wanted to confirm that.

Robert Narvaez gave the staff presentation for Westgate at Stafford Courthouse. He stated there was open space proposed for this area and there would be RPA located to the north and east of the property, which would be located in open space and not in lots. It would be served with public water and sewer, and stormwater management would be served with three stormwater management facilities. Staff recommended approval of the preliminary subdivision plan. Mr. Rhodes asked if there were questions for staff. He stated they had the rezoning for the commercial that was right off Mine Road and Courthouse Road, and there was a little parcel of land that was in between residential development to its south and north and so they were going to develop it residentially similarly. This represented those things that they had addressed at that time. Mr. Rhodes asked the applicant to come forward.

Charlie Payne represented the applicant. He stated Mr. Rhodes was correct in that the preliminary plan mirrored the general development plan that was approved by this Planning Commission by a 7-0 vote, however, he believed that Mr. English was not on the Planning Commission at that time, and subsequently approved by the Board of Supervisors by a 7-0 vote. He stated this was Phase 1 of the residential component. He was also happy to report that there was an interest in the commercial component which was consistent with what they said when they came here in July or September. Mr. Rhodes asked if there had been any discussion with Austin Ridge. Mr. Payne stated no, that that was really up to the contract purchaser. He did state they had encouraged them to have those discussions. Mr. Rhodes asked if there were questions of the applicant. Hearing none, Mr. Gibbons made a motion to approve 1200292, seconded by Mr. Apicella. The motion to approve passed 7-0.

9. Comprehensive Plan Amendment for Impact Fees - Amend the Comprehensive Plan by amending the textual document, "Stafford County, Virginia, Comprehensive Plan, 2010-2030," and the textual document, "Transportation Plan," to: (1) eliminate reference to the current impact fee areas; (2) establish a County-wide Impact Fee Service Area that would encompass all properties within the boundary of the County excluding lands within Quantico Marine Corps Base; (3) establish an Impact Fee project list; (4) provide maps depicting the proposed projects; and (5) amend the appendix of the Comprehensive Plan to eliminate old typical street cross sections for roadway design and establish new typical street cross sections for roadway design. **(Time Limit: April 6, 2013)**
(Authorize for Public Hearing by: February 27, 2013)
(Potential Public Hearing Date: March 27, 2013)

Mr. Rhodes stated they had to take care of the Comprehensive Plan Impact Fees tonight but first they would have to take a vote to see if they would go past 10 o'clock. Mr. Apicella made a motion to go past 10 o'clock, seconded by Mr. Gibbons. The motion passed 7-0.

Mr. Rhodes stated item number 9 was referred back to the Commission, they had already approved it, but they had to re-advertise it for public hearing in order to re-present it back to the Board due to some time limit constraints that were associated with it. This was getting rid of the targeted transportation impact fees and doing a countywide transportation impact fee was the general sense of that. Mr. Harvey stated the Commission, at their last meeting, requested that staff give an overview of the Comp Plan Amendment.

Joey Hess gave the staff presentation and stated this was in conjunction with the impact fee ordinance which was being handled at the Board level. He then went through the proposed Comp Plan Amendments. Mr. Rhodes stated he felt those changes were more just technical changes or appropriate updates just because of calendar realities, and asked if there were any other substantive changes. Mr. Hess stated no. Mr. Rhodes asked if there were any questions for staff. Hearing none, Mr. Gibbons made a motion to authorize for public hearing and it was seconded by Mr. English. The motion passed 7-0.

10. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County.

Mr. Rhodes stated they had to address the Urban Development Areas and he thought they threw that out as the May 4-hour Saturday session to work through that. He stated it may take a little bit of a staff presentation to guide it to make sure they would be ready to go for the Saturday session.

11. Amendment to Zoning Ordinance - Amend and reordain the Stafford County Code, Section 28-35, Table 3.1 "Districts Uses and Standards," to include the use of home occupations as a permitted by-right use in the RBC Zoning District. **(Time Limit: May 28, 2013)**
(Authorize for Public Hearing by: April 24, 2013)
(Potential Public Hearing Date: May 22, 2013)

Mr. Rhodes stated this item was a technical correction. Mr. Gibbons made a motion to authorize for public hearing, Mr. Apicella seconded. The motion passed 7-0.

12. Amendment to Zoning Ordinance - Amend and reordain the Stafford County Code, Section 28-183 "Building Permits" to remove the language granting authority to issue a building permits from the Zoning Administrator and the procedure for such action and clarify the

language to ensure review of a building permit for compliance with the Zoning Ordinance.
(Time Limit: April 28, 2013)
(Authorize for Public Hearing by: March 27, 2013)
(Potential Public Hearing Date: April 24, 2013)

Mr. Rhodes stated he understood 12 through 14 to be administrative housekeeping to make the County compliant with subsequent changes in law or statute. Mr. Harvey stated that was correct. Mr. Gibbons made a motion to authorize for public hearing, Mr. Apicella seconded. The motion passed 7-0.

13. Amendment to Zoning Ordinance - Amend and reordain Stafford County Code, Section 28-184, "Certificates of Occupancy," to remove the language granting authority to issue a certificate of occupancy from the Zoning Administrator, and the procedure for such action, and to clarify the language to ensure that reviews of certificates of occupancy are in compliance with the Zoning Ordinance. **(Time Limit: April 28, 2013)**
(Authorize for Public Hearing by: March 27, 2013)
(Potential Public Hearing Date: April 24, 2013)

Mr. Gibbons made a motion to authorize for public hearing, Mr. Apicella seconded. The motion passed 7-0.

14. Amendment to Zoning Ordinance - Amend and reordain Stafford County Code, Section 28-39(c)(1). "Lawful Location of Manufactured Homes," to remove the width requirement of nineteen feet (19'), and the word "conventional" from the Zoning Ordinance. **(Time Limit: April 28, 2013)**
(Authorize for Public Hearing by: March 27, 2013)
(Potential Public Hearing Date: April 24, 2013)

Mr. Gibbons made a motion to authorize for public hearing, Mr. Apicella seconded. The motion passed 7-0.

15. Amendment to the Subdivision Ordinance - Proposed Ordinance O13-03 would amend Stafford County Code to increase the allowable time from fourteen (14) to sixty (60) days that the board of supervisors shall act upon any appeal filed. **(Time Limit: May 14, 2013)**
(Scheduled for March 27, 2013 Public Hearing)

Mr. Rhodes stated 15 and 16 were already scheduled for public hearing.

16. Amendment to the Subdivision Ordinance - Proposed Ordinance O13-05 would amend Stafford County Code to extend the time to review and render a decision of technical changes from ten (10) to thirty (30) days and clarify the types of technical changes allowed and those not allowed. **(Time Limit: May 14, 2013)**
(Scheduled for March 27, 2013 Public Hearing)
17. Amendment to the Zoning Ordinance - Proposed Ordinance O13-07 would amend Stafford County Code to create a definition for public parking lot and modify the definition of public works to include the term public parking lot. Additionally, the proposed ordinance would allow public parking lots as conditional uses in several zoning districts. Public parking lots built by the County or other governmental entity would be a by-right use in most zoning districts. **(Time Limit: May 14, 2013)*****(Schedule discussion with Economic Development staff on March 13, 2013)***
(Scheduled for May 8, 2013 Public Hearing)

Mr. Rhodes stated 17 had been deferred.

18. Comprehensive Plan Amendment; Anne E. Moncure Elementary School Relocation - Consider an amendment to the Comprehensive Plan to include Assessor's Parcels 20-66B, 20-66C, 21-15, and 21-16 within the Urban Services Area, and change the land use designation from Agricultural to Suburban. The property consists of 23.7 acres and is located on the northeast side of Juggins Road, south of Smith Lake Drive, within the Griffis-Widewater Election District. **(Time Limit: August 31, 2013)**
(Authorize for Public Hearing by: July 10, 2013)
(Potential Public Hearing Date: August 28, 2013)

Mr. Rhodes stated he thought 18 was on the agenda just as a carryover. He stated he would like to highlight one thing and defer to Mr. Boswell on this just a consideration and maybe a staff communication or however it might be done, the way he read this was they want the Commission to consider the Joint Land Use Study results before acting on the Comp Plan Amendment. He stated he thought they would be fully done after the deadline would be over. Mr. Harvey stated that was correct. This extended time would allow the Commission to know some of the inputs that they were putting into the Joint Land Use Study, but it would not have the final conclusions. Mr. Rhodes asked if staff could discuss with the JLUS team to get a sense of what the preliminary inputs would be by June or by the Commission's first session in July. He asked would it be substantive enough to act on or would it be more prudent to go back to the Board and find a way to extend another month until after the study would be fully done to consider that. Mr. Harvey stated he would coordinate with Mrs. Baker as she was the staff coordinator for the JLUS study. He would speak with her about the timeline for the consultant and what level of information they would have at that point.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the things he had to report on deal with actions from the Board of Supervisors last week. They passed the revised changes to the cluster ordinance, approved the CUP for Insurance Auto Auctions, and the Board adopted the TDR Ordinance and referred the Comp Plan Amendment portion of TDR back to the Planning Commission for an additional public hearing. There was an issue on timing as well as there were changes made to the TDR Ordinance upon its adoption, so both issues reasonably need the Planning Commission's input.

COUNTY ATTORNEY'S REPORT

No report.

COMMITTEE REPORTS

19. Proffer Guidelines

Mr. Rhodes asked if they had heard any more about proffer guidelines discussion or had they transmitted what their subcommittee developed and what the Planning Commission saw to the Board. Mr. Harvey stated he passed along the Planning Commission's recommendation to the Administrator. There had been discussions that it may come up on a Board committee agenda next Tuesday in the Community and Economic Development Committee. He stated he had not seen a final agenda yet so he was not certain if it was definite or not. Mr. Rhodes stated if they at least got exposure to it maybe they would decide another approach.

CHAIRMAN'S REPORT

20. Planning Commission Retreat

Mr. Rhodes stated barring something to the contrary, they would use some time in May and they would start looking at a date for the four hour window in May in part to try and address as much as possible as a committee of the whole on the UDA work they had to do. He stated that may take a couple preparatory sessions prior to then. He asked Mr. Harvey to lay it out for them as soon as he had it available.

21. Historic Preservation Awards

Mr. Rhodes stated they handed out the nomination to see if anyone had inputs and asked if they were supposed to do it as a body or individuals. Mr. Harvey stated it was a request to the Commission as a whole to see if they had any recommendations. Mr. Rhodes asked if anybody had any recommendations and when they needed them. Mr. Harvey stated probably before their next meeting. Mr. Rhodes stated he did not think they had any.

OTHER BUSINESS

22. TRC Information – Meeting March 13, 2013

Mr. Narvaez stated there were 3; 2 would be in the Hartwood District and 1 would be in the Aquia District. The first was Celebrate Virginia Merchants Tire. Mr. Rhodes asked if the 2 Hartwood items were tentatively scheduled for 9 and 10 o'clock. Mr. Narvaez stated no, 9 and 11, tentatively. Aquia was scheduled tentatively for 10. Mr. Rhodes asked if it was possible to do the 2 Hartwood items back to back so that Mr. English could work around getting there concurrently. Mr. Narvaez stated the other was Celebrate Virginia Goodyear Tire. He stated for Mr. Apicella it was Moncure Valley Section 2.

APPROVAL OF MINUTES

None.

Mr. Rhodes asked if there was anything else. Mr. Harvey stated no. Mr. Gibbons stated he gave a recommendation about the lights on the Board agenda. He stated if they adopted the same thing when the Planning Commission would do their agenda. Mr. Rhodes stated they would look at that.

Mr. Rhodes stated activity was picking up in the County, activity was picking up in the referrals from the Board, and then the normal business that occurs. They had a pretty full schedule now until summer, so he appreciated their indulgence for the extra 17 minutes. He also appreciated the extra homework it took folks to be prepared enough to move on the ones they could move on. He stated they would try to keep things tight and structured as they could.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:17 p.m.